

December 12, 2018

Paxtyn Merten
MuckRock News
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Re: Virginia Freedom of Information Act Request
Amazon.com, Inc. HQ2

Dear Ms. Merten:

On Monday, December 3, 2018, the Fairfax County Economic Development Authority (the “Fairfax EDA”) received an email from you requesting certain public records. On Tuesday, December 4, the Virginia Economic Development Partnership Authority (“VEDP”) received an email from you requesting certain public records. Since MuckRock News appears to be filer and aggregator of public records requests, and not a newspaper or magazine with circulation in the Commonwealth of Virginia nor a radio or television station broadcasting in or into the Commonwealth, your request is not a public records request under the Virginia Freedom of Information Act, Chapter 37, Title 2.2, Code of Virginia of 1950, as amended (“FOIA”). Nevertheless, we have chosen to respond to your request, in the same manner that we would have done so, had your request been a FOIA request.

You have requested from the Fairfax EDA the following public records:

A copy of the bid submitted in response to Amazon's request for proposals for the site of its second headquarters — document(s) which would have been sent between September 1, 2017 through January 20, 2018 — and any supplemental materials provided to Amazon at the same time.

You have requested from VEDP the following public records:

A copy of the bid submitted in response to Amazon's request for proposals for the site of its second headquarters.

The public records that you requested from the Fairfax EDA is a sub-set of the public records that you requested from VEDP. Accordingly, we are providing this response to cover both your request to the Fairfax EDA and your request to VEDP.

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The requested records are being provided in part and are being withheld in part. They can be found at a link that accompanies this letter. The requested materials include the Proposal for HQ2 from Northern Virginia.

We are exercising our discretion to exclude from disclosure certain of the information that you requested under the following provisions of FOIA:

Proprietary information, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade, and tourism development or retention; and memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the public body. (FOIA §2.2-3705.6. 3)

Information contained in the strategic plan, marketing plan, or operational plan prepared by the Virginia Economic Development Partnership Authority pursuant to § [2.2-2237.1](#) regarding target companies, specific allocation of resources and staff for marketing activities, and specific marketing activities that would reveal to the Commonwealth's competitors for economic development projects the strategies intended to be deployed by the Commonwealth, thereby adversely affecting the financial interest of the Commonwealth... (FOIA §2.2-3705.7. 33)

For your information, the public records or information being withheld include information and drawings involving future site plans and development prepared by or on behalf of developers, and several pages of material describing potential integrated state-level and local-level incentive packages that could be offered to Amazon. The information and drawings regarding future site plans and development represent proprietary information. The potential integrated incentive plans represent information regarding marketing resources and activities that might reveal to our competitors the Commonwealth's strategies and plans for approaching large-scale economic development opportunities. Disclosure of the proprietary information would adversely affect the financial interest of the Commonwealth, including its regions and localities, by revealing proprietary information from or regarding Amazon, or from or regarding developers of the proposed sites. If VEDP were to receive a reputation as an organization that does not protect such proprietary information, businesses that may have sought to do business in the Commonwealth may choose to bypass the Commonwealth and to do business with a more discreet state or country. The information in the incentives materials would reveal to the Commonwealth's competitors for economic development projects the strategies to be deployed by the Commonwealth, including its regions and localities, on major projects, thereby eroding the competitive position of the Commonwealth.

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Thank you for your interest in economic development in the Commonwealth.

Very truly yours,



Sandra Jones McNinch
General Counsel